

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Sabino Rafael GARCIA-Mejia,


Defendant

07 OCT 29 AM 10:11 '07 MJ 2526
Magistrate Document
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
COMPLAINT FOR VIOLATION OF:
BY: DEPUTY
Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **October 19, 2007** within the Southern District of California, defendant, **Sabino Rafael GARCIA-Mejia**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS ~~22nd~~ ^{29th} DAY OF October, 2007


Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Sabino Rafael GARCIA-Mejia****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

On October 19, 2007, at approximately 2:45 a.m., Border Patrol Agent O. Gomez, was performing line watch duties in the area commonly known as the "BLM Scoot Trail". The BLM Scoot Trail is located approximately, 3 miles east of the Otay Mesa, California Port Of Entry and approximately 500 yards north of the United States/Mexico International boundary. Upon arriving to the area, Agent Gomez proceeded to check for footprints of a group of suspected undocumented illegal aliens previously identified in the area by Supervisory Border Patrol Agent L. Snider, who was operating the infrared thermal scope. While checking for footprints, Agent Gomez came upon a group of seven individuals hiding in an area surrounded by large rocks. Agent Gomez identified himself as a U.S. Border Patrol Agent and instructed the group to come out. Agent Gomez questioned each individual in the group, including one later identified as the defendant **Rafael Sabino GARCIA-Mejia**, as to their citizenship and nationality. All the individuals admitted to being citizens and nationals of Mexico illegally present in the United States. Agent Gomez then placed the group under arrest at approximately 3:00 a.m., and had them transported to the Chula Vista Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on October 12, 2007 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

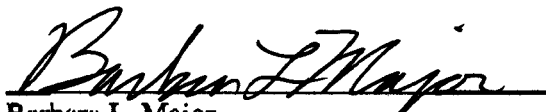
The defendant was advised of his rights as per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation. The defendant admits that he is a citizen and national of Mexico illegally present in the United States. He illegally entered the United States on October 19, 2007 near the eastern end of the fence running from Otay Mesa, California. He was on his way to San Diego to look for work.

Executed on October 20, 2007 at 9:30 a.m.



Ismael A. Canto
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **October 19, 2007**, in violation of Title 8, United States Code, Section 1326.



Barbara L. Major
United States Magistrate Judge

10/20/07 at 10:00am
Date/Time